

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 2, 2006 PLANNING COMMISSION MEETING

**PROJECT #:** Special Permit No. 1940A

**PROPOSAL:** Revise the lot layout for Lots 4 & 5, Block 8 with waivers to the width to depth ratio, rear yard setback, minimum lot area and average lot width.

**LOCATION:** NW 56<sup>th</sup> St. and West Partridge Lane

**LAND AREA:** 40.69 acres, more or less

**EXISTING ZONING:** R-3- Residential

### WAIVER /MODIFICATION REQUEST:

1. Width to depth ratio on Lots 2, 3 & 4, Block 1 and Lot 15, Block 3.
2. Rear yard setback to 20 feet for Lots 1 & 2, Block 8.
3. Minimum lot area from 5,000 s.f. to 3,800 s.f. for single family attached lots and from 6,000 s.f. to 4,100 s.f. for single family lots.
4. Average lot width from 40 feet to 38 feet for single family attached and 50 feet to 41 feet for single family lots.

**CONCLUSION:** This amendment is to correct an error in the placement of a dwelling too close to the side lot line. The new lot does not meet the average lot width of 40 feet and therefore requires a waiver. The waiver may only be granted by Planning Commission.

### RECOMMENDATION:

Conditional Approval

Waivers/modifications:

- |   |          |
|---|----------|
| 1. Width to depth ratio on Lots 2, 3 & 4, Block 1 and Lot 15, Block 3.  | Approval |
| 2. Rear yard setback to 20 feet for Lots 1 & 2, Block 8.  | Approval |
| 3. Minimum lot area from 5,000 s.f. to 3,800 s.f. for single family attached lots and from 6,000 s.f. to 4,100 s.f. for single family lots. | Approval |
| 4. Average lot width from 40 feet to 38 feet for single family attached and 50 feet to 41 feet for single family lots.                      | Approval |

### GENERAL INFORMATION:

#### LEGAL DESCRIPTION:

Lots 1-6, Block 1; Lots 1-9, Block 2; Lots 1-11, Block 3; Lots 1-5 and 8, Block 4; Outlots A & B; Hartland's Cardinal Heights Addition.

Lots 1-9, Block 1; Lots 1-9, Block 2; Lots 1-15, Block 3; Lots 1-10, Block 4; Lots 1 & 2, Block 5; Lots 1-24, Block 6; Hartland's Cardinal Heights 1<sup>st</sup> Addition.

Lots 1-4, Block 1; Lots 1-18, Block 2; Lots 1-18, Block 3; Lots 1-6, Block 4; Hartland's Cardinal Heights 2<sup>nd</sup> Addition.

Lots 14-28, Block 2; Lots 7-21, Block 3; Lots 1-6, Block 4; Hartland's Cardinal heights 3<sup>rd</sup> Addition.

Lots 1 & 2; Hartland's Cardinal Heights 4<sup>th</sup> Addition.

Lots 1 & 2; Hartland's Cardinal Heights 5<sup>th</sup> Addition.

Lots 1 & 2, Block 1; Lots 1-5, Block 2; Lots 1-9, Block 3; Hartland's Cardinal Heights 6<sup>th</sup> Addition.

All final plats located in Section 18, Township 10 North, Range 6 East, Lancaster County, NE.

**EXISTING LAND USE:** Single-family and attached single-family residential.

**SURROUNDING LAND USE AND ZONING:**

North:	R-3, Residential	Single-family and attached single-family
South:	AG-Agriculture	Undeveloped
East:	R-3, Residential	Single-family and attached single-family
West:	R-3, Residential	Single-family and attached single-family

**HISTORY:**

August 11, 2003      Administrative Amendment #03045 to Special Permit 1940- Cardinal Heights to revise the site layout and reduce the density from 209 dwelling units to 203 dwelling units was approved by the Planning Director.

March 18, 2002      Special permit 1940-Cardinal Heights was approved by City Council.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use Plan of the Comprehensive Plan identifies this area as residential, urban.  
(F-25)

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-66)

Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area. (F-67)

**ANALYSIS:**

1. This is a request to amend the lot line between Lots 4 & 5, Block 8 and request waivers to width to depth ratio, rear yard setback, lot area, and lot width. All of the waivers except average lot width were approved previously with Special permit 1940.
2. Lot 5 has an existing single family house and Lot 4 has an existing attached single family. The house on Lot 5 does not meet the required 5' side yard setback. To create lots that meet the required setback the width of Lot 5 is changing from 41' to 44' and Lot 4 is changing from 41' to 38'.
3. The required average lot width for a single family lot in the R-3 district is 50' and for attached single-family is 40' per family. A waiver to the required average lot width has been requested with this application.
4. The required lot area for a single family lot is 6,000 s.f. and for attached single-family lot is 5,000 s.f. per family. A waiver to the required lot area has been requested with this application. The proposed lot area for Lot 4 is 3,800 s.f. and Lot 5 is 4,400 s.f.

**CONDITIONS OF APPROVAL:**

**Site Specific Conditions:**

1. This approval permits 203 dwelling units, with the following waivers:
  - A. width to depth ratio on Lots 2, 3 and 4, Block 1;
  - B. rear yard setback to 20 feet on Lots 1 & 2, Block 8;
  - C. lot area from 5,000 s.f. to 3, 800 s.f. for single family attached lots and from 6,000 s.f. to 4,000 s.f on single family lots;
  - D. lot width from 40 feet to 38 feet for single family attached lots and 50 feet to 41 feet for single family lots.

**General Conditions:**

3. Before a final plat is approved:
  - 3.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

3.1.1 A revised site plan including **5** copies showing the following revisions:

3.1.1.1 Identify which lots are for single-family attached.

3.1.1.2 Identify which lots require the waiver to lot area.

3.1.1.3 Identify which lots require the waiver to lot width.

3.1.2 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

**Standard Conditions:**

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units all development and construction is to comply with the approved plans.

4.4 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

4.6 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

4.7 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.8 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Tom Cajka  
Planner

**DATE:** July 10, 2006

**APPLICANT:** Hartland Homes, Inc.  
P.O. Box 22787  
Lincoln, NE 68542  
(402) 477-6668

**OWNER:** Jeffrey J. Moetz and Lamie L. Jones  
2118 NW 55<sup>th</sup> St.  
Lincoln, NE 68528  
and  
Hartland Homes, Inc.  
P.O. Box 22787  
Lincoln, NE 68542  
(402) 477-6668

**CONTACT:** ESP  
601 Old Cheney Rd. Suite A  
Lincoln, NE 68512  
(402) 421-2500



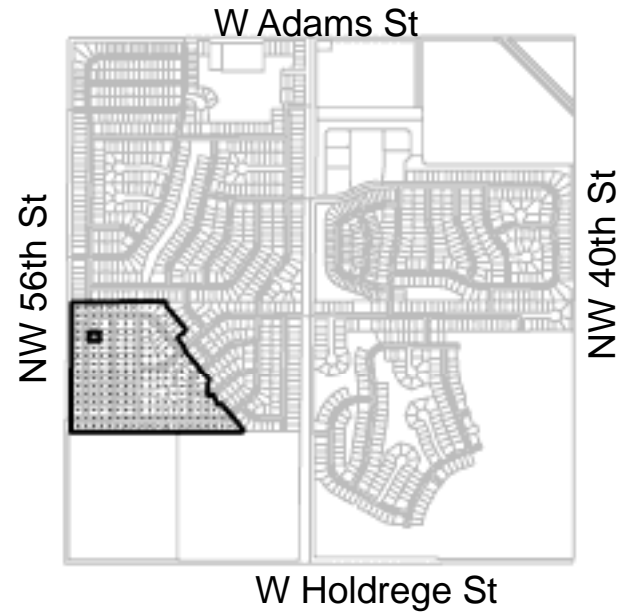
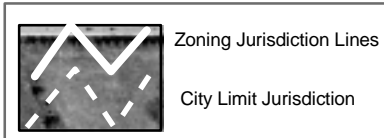
2005 aerial

# Special Permit #1940A NW 56th St & W Partridge La

## Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 18 T10N R06E





# IMPROVEMENT LOCATION REPORT

LANCASTER County, Nebraska  
Allied Surveying and Mapping, Inc.  
LAND SURVEYORS

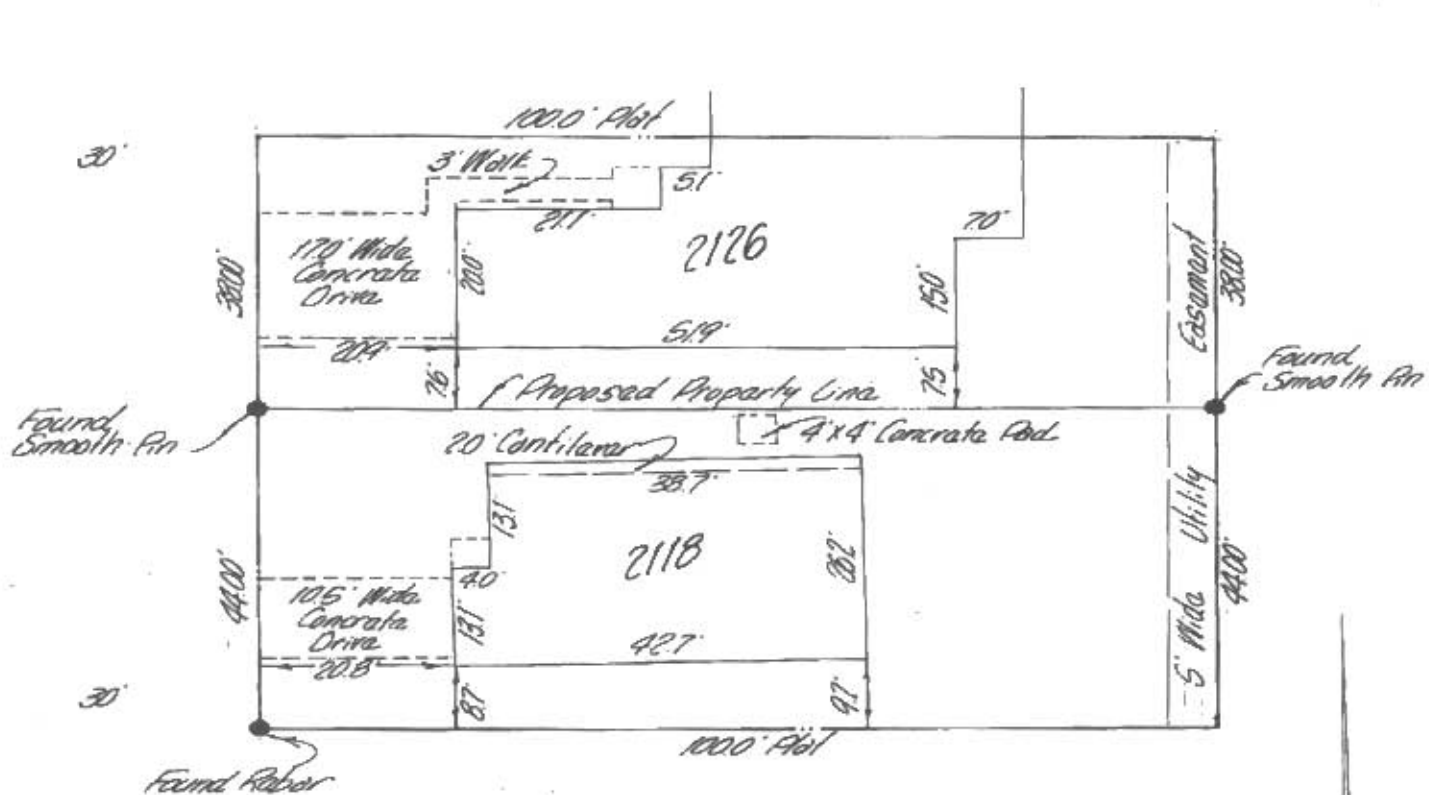
6120 South 58<sup>th</sup> Street, Suite "A" - Lincoln, Nebraska 68516  
Phone (402) 434-2686 FAX (402) 434-2687

2126 & 2118 N.W. 55th Street - Lots 4 & 5, Block 2 Hartland's Cardinal Heights 6th Addition -

Lincoln, Lancaster County, Nebraska Section 18 T 10 N, R 6 E of the 6<sup>th</sup> P.M.

Job No. 35475

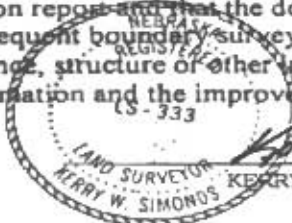
July 06, 2006



## LOCATION CERTIFICATION

Scale: 1"=20'

The accompanying Improvement Location Report is a representation of the conditions that were found at the time of the improvement location report and that the document does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose. The information shown on this report should not be used to establish any fence, structure or other improvements. The measurements shown on this report are based on either deed or plat information and the improvement location report represents only visible building improvements.



Kerry W. Simonds  
KERRY W. SIMONDS L.S.#333

Date July 06, 2006

## Area of Amendment

GENERAL NOTE

[illegible]

© 1994 by The American Psychological Association  
0893-3200/94/\$04.00  
DOI: 10.1037/0893-3200.10.4.444

[illegible]

QUESTION	ANSWER	QUESTION	ANSWER
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2. Which of the following is not a type of cell?	2. Prokaryotic	12. Which of the following is not a type of cell?	12. Prokaryotic
3. Which of the following is not a type of cell?	3. Eukaryotic	13. Which of the following is not a type of cell?	13. Eukaryotic
4. Which of the following is not a type of cell?	4. Prokaryotic	14. Which of the following is not a type of cell?	14. Prokaryotic
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9. Which of the following is not a type of cell?	9. Eukaryotic	19. Which of the following is not a type of cell?	19. Eukaryotic
10. Which of the following is not a type of cell?	10. Prokaryotic	20. Which of the following is not a type of cell?	20. Prokaryotic

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 NAM  
1100 17th St., N.W.  
Washington, D.C. 20036  
202-462-6000  
www.nam.org

SITE PLAN  
SHEET 1 OF 6

11.4 28 2005

LINCOLN CITY/LANCASTER CO.





June 28, 2006

Mr. Marvin Krout, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road  
Lincoln, NE 68512

Phone (402) 421-2500  
Fax (402) 421-7096

Email: lyle@espeng.com

RE: CARDINAL HEIGHTS 1<sup>ST</sup> ADDITION  
COMMUNITY UNIT PLAN/ SPECIAL PERMIT #1940A

Dear Marvin,

On behalf of Hartland Homes, Inc., we submit the above mentioned application for your review. The only modification to the plan from the previously approved special permit is a lot line adjustment 3 feet to the north between Lots 4 & 5, Block 8. The residences are currently built and a discrepancy has been found on Lot 5, Block 8. The structure has been built 3 feet from the property line and a concrete slab placed over the property line.

With the property line adjustment a waiver is needed and being requested. Other waivers are being requested to clarify the previously approved lot width and square footages. The waivers are as follows:

Previously approved waivers

1. Lots 2, 3 & 4, Block 1 and Lot 15, Block 3 shall exceed the 3 to 1 width to depth ratio.
2. Lots 1 and 2, Block 8 shall have 20 feet rear yard setback.

Additional requested waivers

3. Lot area from 5,000 square feet to 3,800 square feet for single family attached lots and 6,000 square feet to 4,100 square feet for single family lots.
4. Lot width from 40 feet to 38 feet for single family attached lots and 50 feet to 41 feet for single family lots.

Please do not hesitate to contact me if you have additional questions.

Sincerely,



Marcia L. Kinning

Cc: Hartland Homes, Inc.  
Jeffrey Motz & Jami Jones  
Enclosures: 24 Copies of Sheet 1 of 6  
Application for a Special Permit  
Application Fee of \$250.00  
Certificate of Ownership  
8 1/2" x 11" Reductions

